

From: Andy Pastuszak
To: Microsoft ATR
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Subject: Microsoft Settlement

I must say that I am deeply troubled by the proposed settlement the US Dept of Justice has proposed in respect to the current anti-trust case against Microsoft. The continued allowance of comingling of software with the Microsoft operating system causes me great concern.

It has been impossible since the introduction of Windows 95 OEM SR2 to uninstall Internet Explorer from with Operating System. And now with the introduction of Windows XP, we see the forced installation of things such as Internet Explorer, MSN Messenger, and Outlook Express. The options AUTOMATICALLY get installed without the consumer having a choice in the matter at all. If Microsoft wishes to provide a SECOND CD with this software on it as an optional install then we may be able to see true competition restored, because then OEM manufacturers would have the option to include CDs with AOL Instant Messenger, Netscape 6, Opera, Eudora and many other competing Internet products.

A true settlement that would be in the best interest of the American consumer would STRONGLY limit Microsoft's ability to comingle software in their operating system and would allow other software manufacturers to easily bundle their products with the Windows Operating System.

To really level the playing field, I would strongly urge the Dept of Justice to demand that the Internet Explorer browser be taken away completely from Microsoft and made available as open source so that it can easily be ported to other operating systems. Sure, IE is available for the Macintosh platform as well as Windows, but key features such as VBScript are only made available in the Windows version. When we sites are coded in these IE proprietary features, people are forced to use a Microsoft operating system to view the pages and help extend Microsoft's monopoly power even further.

To remove IE from Microsoft and to allow it be ported to operating systems such as Macintosh, Linux, BSD, UNIX, BeOS, EPOC, PalmOS and all the other operating systems out there would help alleviate the current monopoly position of Microsoft.

Another major issue is the lack of full documentation of all the Microsoft programming APIs. Without full disclosure of ALL APIs for programming Windows software, Microsoft will ALWAYS have an advantage in writing software for their own operating system. Allowing Microsoft to have the inside track on it's own APIs will allow them to build software will ALWAYS surpass its competitors in features.

And lastly, Microsoft licenses prohibit the use of Microsoft products

against the company itself. The license to FrontPage 2002 (Microsoft's web development package) prohibits the owner of the product from being able to use the software to create a site that may make negative comments against Microsoft. Is this not a violation of my first amendment rights to free speech? Sure, I have a choice to buy another web development package, but if we allow comingling to continue, some day FrontPage could be part of the operating system and then it would be forbidden to use the operating system itself to make negative remarks about the company.

Thank you for taking the time to read this. I feel the current settlement proposal is weak and would just allow Microsoft to maintain its monopoly power in the US.

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